



Board of County Commissioners' Potential 2014 Legislative Considerations



1. Removal of Mandatory Stormwater Management Fee

The BOCC is requesting an exemption from mandates of House Bill 987, Stormwater Management – Watershed Restoration and Protection Program adopted during the 2012 Session of the Maryland General Assembly and signed into law by the Governor as Chapter 151 of the Laws of Maryland (2012). The law requires Frederick County among other jurisdictions to enact a stormwater remediation fee.

2. Permitting Tax Rebate to All Frederick County Properties

In the previous fiscal year, the BOCC was able to return a portion of the county's budget surplus to owner occupied homes in the form of \$100.00 rebate checks. Many residents made inquiries as to the rebate only being issued to owner occupied homes. In the spirit of fairness, the Board is requesting state law be amended to permit future tax rebates to be issued to all properties subject to the Frederick County real property tax.

3. Amending Grading Erosion and Sediment Control Standards

The BOCC is seeking legislation regarding grading erosion and sediment control, which would amend the state law on this topic on three provisions regarding the standards and specifications for erosion and sediment control;

- (1) to return to 7 days from current three day requirement on permanent or temporary stabilization on sediment control devices and slopes steeper than 3:1, and to return to 14 days from the current 7 day requirement on permanent or temporary stabilization on all other inactive disturbed areas';
- (2) Repealing the maximum 20 acre grading unit for the maximum contiguous area allowed to be graded at a given time (formerly no limit); and
- (3) Rescinding the requirement for the mapping of a site's natural resources, steep slopes, highly erodible soils and vegetative buffer strips. These mapped areas are required to be protected from erosion using additional measures or, wherever possible, designated to remain undisturbed.

The proposed state law would require that the grading and building ordinance in Frederick County be consistent with the 2011 Code of Maryland Regulations (COMAR).

4. Ethics – Formal Local Government Officials and Employees

The Board of County Commissioners believes that the current broad post-employment restriction established by the state is unjust and unwarranted. The Board is requesting that the State Ethics Law be amended to accomplish the following objectives: (1) to limit the post-employment restriction for former County Commissioners to two years after the Commissioner leaves office; and (2) to limit the post-employment restriction for former appointed County officials and County employees to one year after the official's or employee's employment ends.

5. Elimination to Maximum Value of Gaming Permits Issued for Raffles

(Requested by the Veterans of Foreign Wars.) To amend state law to remove the maximum value cap for local charitable organizations in Frederick County under Title 13 Gaming in the Criminal Law Article of the *Annotated Code of Maryland*. Current state law regulates the annual cash value of drawings as:

- no more than one in which the major prize has a value of more than \$5,000; and
- no more than five raffles for which the prize drawings are held on a single day and in which the major prize has a value of \$5,000 or less.

6. Exempting Frederick County Public Schools from the State Forest Resource Ordinance Requirements

The BOCC is requesting legislation exempting Frederick County Public Schools from the FRO requirements. This is being done in relation to public safety for children in removing any physical barriers in which children and individuals may not be visible to school personnel.

7. Permitting Deer Hunting with a Rifle in Frederick County

Currently the Code of Maryland Regulations (COMAR) prohibits hunting deer with a rifle in certain southern portions of Frederick County is currently prohibited. The Board of County Commissioners is seeking legislation which would repeal this provision and permit deer hunting with a rifle throughout the entire county.

Because this is a Department of Natural Resources (DNR) regulation, DNR could make changes to this regulation. Additionally, the General Assembly could also adopt legislation that would prevail over the COMAR regulations, and the BOCC requests a repeal of this prohibition.

8. Repeal of Mandatory Provisions of Davis-Bacon Act and Minority Business Enterprise in Frederick County

The BOCC is requesting legislative authority to build one (1) elementary school in Frederick County without the Davis Bacon or MBE requirements in order to fully assess direct costs and financial impact of these requirements on capital projects.

9. Amendments to the Annotated Code of Maryland Pertaining to Charter Transition

Due to the citizen adopted Frederick County Charter which is effective December 1, 2014, certain transitional provisions will need to be made to state law to accommodate the new form of government. After December 1, 2014, Frederick County will no longer have County Commissioners. The County will then have a County Executive and a seven member County Council.

10. Property Tax Exemption for Properties Held by the Land Trust

Enacting a real property tax exemption for an Affordable Housing Land Trust.

11. Authority To Allow Payment of Wages with a Debit Card

Authorizing Frederick County Government to make wage payments with a debit card. Current Maryland law only permits for the payment of wages by cash or check.

In addition, the County Commissioners often include Position Statements for the Frederick County Delegation on items of particular concern to Frederick County. These are typically items for which no particular legislation is proposed by the County Commissioners yet the issues are likely to arise during the General Assembly Session.

The County Commissioners occasionally provide their position to the Delegation early in the process. Position statements from previous sessions below might be considered during the Tuesday, October 15, 2013, public hearing:

1. School construction funding for Frederick County should exceed business economic assistance.
2. Frederick County Public Schools authority to count and report undocumented students.
3. Maryland to be a “shall issue” state for a right to carry a firearm.
4. Reinstatement of highway user revenues to local governments.
5. United States Constitutional Convention to address citizenship and immigration issues.
6. Maryland Partial Birth Abortion Ban Act.
7. Constitutional amendment to prohibit “economic development” takings.
8. Cooperative enforcement of federal immigration laws throughout Maryland.
9. Negative impact of the state stormwater regulations to local government.
10. Repeal or modifications of the Work Place Fraud Act of 2009 (SB 909).
11. Opposition to PlanMaryland.
12. Opposition to mandated state septic regulations on local governments.

13. Supporting the revision of Maryland's tangible personal property tax.
14. Opposition to the gas tax increase.
15. Supporting the modification of education Maintenance of Effort funding requirements.
16. Permitting Video Lottery Terminals (slots) for local charitable organizations.